

# Fax Cover Sheet

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Date: June 9, 2004

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To: Susan C. Allment

Fax No.: 703-872-9306

Re: Reply to Office Action of February 25, 2004

Application no: 10/661,301  
Atty Docket No.: 02-090

No. of page(s) including this cover sheet: 68

Included in this telefax transmission are:

Transmittal Sheet  
Fee Transmittal Sheet  
Petition for Extension of Time  
Response (9 sheets)  
Drawings (1 sheet)  
Five Patents previously listed on the IDS (55 sheets)

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Group Art Unit 3644, Fax No. (703) 872-9306, on June 9, 2004.

Peter J. Somerville  
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PAGE 1/69 \* RCVD AT 6/9/2004 9:58:13 AM [Eastern Daylight Time] \* SVR:USPTO-EFAX-1/0 \* DNIS:8729306 \* CSID:207 773 4585 \* DURATION (mm-ss):16-34

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Under the Patent Cooperation Treaty (PCT), an application may be filed with the United States Patent and Trademark Office (USPTO) as a national stage application.

**TRANSMITTAL FORM**  
(to be used for all correspondence after initial filing)

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Approved for use through 07/31/2004, OMB 0581-0001  
Application Number: 10661,301  
Filing Date: 06/12/2003  
First Named Inventor: James Anthony Martin  
Art Unit: 3614  
Examiner Name: Susan C. Almenil  
Attorney Docket Number: 02-090

Total Number of Pages in This Submission: \_\_\_\_\_

**ENCLOSURES** (Check all that apply)

<input checked="" type="checkbox"/> Free Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal/Interference, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disposition	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Rebuttal	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CO, Number of CO(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Five (5) Pages previously listed on IDS.	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name: Bohan, Mathers & Associates, LLC

Signature: *[Signature]*

Date: June 8, 2004

**CERTIFICATE OF TRANSMISSION MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as that class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Type of printed name: Peter J. Somerville

Signature: *Peter J. Somerville*

Date: June 8, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to be provided by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.54. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 2/69 \* RCVD AT 6/9/2004 9:58:13 AM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:207 773 4585 \* DURATION (mm-ss):16-34

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/661 301 Confirm. No.: 7463  
 Filing Date: 9/12/2003  
 Inventor: James Anthony Maffei  
 Title: Plant Protection Device and Method  
 Art Unit: 3644  
 Examiner: ALIMENTI, SUSAN C.  
 Attorney Docket No.: 02090

To: Mail Stop Amendment  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

Request for Reconsideration Pursuant to 37 C.F.R. § 1.111

Dear Sir:

This Request is filed responsive to the 02/25/04 Official Action, in which Examiner rejected pending Claims 1-5 under 35 U.S.C. 102(b) based on Hinsperger (U.S. Patent 5,605,007) and Claim 6 under 35 U.S.C. 103(a) based on Hinsperger in combination with Dalle (U.S. 4,577,436). Examiner also noted that Applicant failed to submit a paper copy of the five foreign patents cited in the Information Disclosure Statement. Applicant respectfully requests that Examiner amend the application in the manner set out immediately below, and explained in REMARKS starting on page 5. Applicant also requests that Examiner consider his arguments, also included in REMARKS, for deeming allowable all of the claims as amended.

AMENDMENTS

Amendments to the Specification begin on page 2 of this paper, as do the amendments to the Drawing and to the Claims.  
 IN THE SPECIFICATION

Please amend paragraph [0018] to read as follows:

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